

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/018,879
Inventors/Applicants : EKWURIBE, Nnochiri N., et al.
Filed : August 5, 2002
TC/A.U. : 1654
Examiner : RUSSEL, Jeffrey E., et al.
Atty. Docket No. : 014811-188.74
Customer No. : 24,239
Title: : INSULIN PRODRUGS HYDROLYZABLE IN VIVO
TO YIELD PEGYLATED INSULIN

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

ATTN: Examiner Jeffrey E. Russell

REPLACEMENT OF TERMINAL DISCLAIMER

Sir:

The Examiner is respectfully requested to enter the instant Terminal Disclaimer as a replacement for the Terminal Disclaimer previously submitted on July 18, 2003 and on September 21, 2004.

(1)

The owner, **NOBEX CORPORATION**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. **6,309,633** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent

granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, “as the term of said **prior patent** is presently shortened by any terminal disclaimer,” in the event that said **prior patent** later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

(2)

The owner, **NOBEX CORPORATION**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. **6,828,297** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, “as the term of said **prior patent** is presently shortened by any terminal disclaimer,” in the event that said **prior patent** later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily

disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

There are no fees due at this time as the patents and patent applications disclaimed herein have previously been submitted and the fees paid at that time.

Respectfully submitted,

MOORE & VAN ALLEN PLLC

Date: March 28, 2006

By: 

William A. Barrett
Registration No. 42,296
Moore & Van Allen
430 Davis Drive, Suite 500
Morrisville, NC 27560-6832
Telephone: (919) 286-8000
Facsimile: (919) 286-8199